

Appl. No. 10/719,924  
Response dated 8/14/2006  
Reply to Office Action of 2/14/2006

### **REMARKS/ARGUMENTS**

#### **Priority**

Applicant notes the Examiner's comments with respect to the need for a Declaration referencing the priority document and anticipates submitting a new Declaration as a supplement to this response.

#### **Objections**

Claim 14 is amended to reflect its dependence on claim 1.

#### **Rejections under 35 USC 112**

Claim 15 is amended to remove the reference to wastewater. Claims 48, 50 and 29 have been canceled thereby rendering the Examiner's rejection of those claims under 35 USC 112 moot. Applicant reserves the right to resubmit these and other canceled claims without amendment should such submission be deemed appropriate.

#### **Claim Rejections – 35 USC 102**

The Examiner rejected claims 1-13, 22-34, and 41-47 under 35 USC 102(b) as being anticipated by O'Leary et al. Patent No. 4,659,459. For at least the reasons set forth herein the Applicant respectfully disagrees that O'Leary anticipates the claims as amended. O'Leary is not directed to a system for treating water running through a storm water infrastructure and does not teach, suggest or describe a water treatment system having a disinfecting chemical dispenser located proximate to a storm water management infrastructure where the disinfecting chemical dispenser is configured to add a disinfection chemical into water flowing through a storm water management infrastructure; a sensor is configured to measure the water characteristics attributable to water following through the storm water management infrastructure; and a control unit that controls an amount of said disinfection chemical added to said water flowing through

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said storm water management infrastructure based on said water characteristics. Dependent claims 3-13 and 22 and 24 being dependent on independent claim 1 are not anticipated by the O'Leary reference for the same reasons. Claim 2, 23 and 25-34 and 41-47 have been canceled thereby rendering the rejections made with respect to those claims moot. For at least these reasons Applicant respectfully requests that the rejection under 35 USC 102 that is based on the O'Leary reference be withdrawn.

### Claim Rejections – 35 USC 103

The Examiner rejected claim 21 as unpatentable over O'Leary in view of Applegate (US Patent No. 4,280,913) under 35 USC 103. For at least the reasons stated herein Applicant respectfully disagrees that claim 21 is obvious in view of the cited references. Applegate discusses use of the system at a storm drain location but does not control the amount of a disinfection chemical added to water flowing through a storm water management infrastructure based on said water characteristics. O'Leary and Applegate either alone or in combination cannot, for example, vary the amount of disinfection chemical based on water characteristics. O'Leary describes a way to affect the “accurate introduction of one or more chemicals into the water treatments of conditioning system *based on accurately measuring the velocity of the chemicals being introduced.*” O'Leary: Col 3, line 24-27. The measurement is not based on characteristics of the water and hence O'Leary lacks this aspect of the claimed invention. Applegate also does not control the amount of disinfection chemical based on water characteristics and hence the combination of O'Leary and Applegate cannot be said to teach the claimed invention.

Claims 15, 17-18, 35, 37-38, 48 and 50-51 are rejected under 35 USC 103(a) as being unpatentable over O'Leary '459 in view of Koubek (US Patent No. 4,012,321). Claims 35, 37-38, 48 and 50-51 are canceled thereby rendering this aspect of the rejection moot. With respect to claims 15 and 17-18 the Applicant respectfully disagrees that O'Leary in view of Koubek teaches the claimed invention. O'Leary and Koubek either alone or in combination are not directed to a system for treating water running through a storm water infrastructure and does not

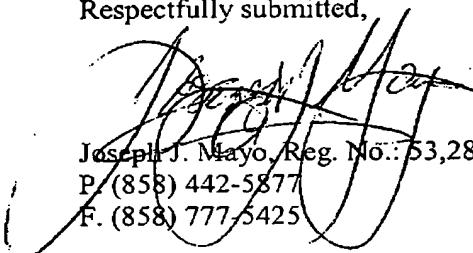
Appl. No. 10/719,924  
Response dated 8/14/2006  
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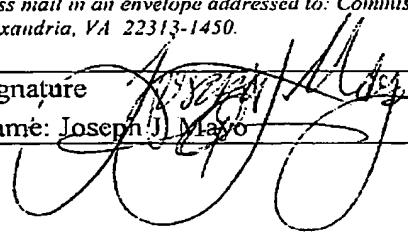
teach, suggest or describe a water treatment system having a disinfecting chemical dispenser located proximate to a storm water management infrastructure where the disinfecting chemical dispenser is configured to add a disinfection chemical into water flowing through a storm water management infrastructure; a sensor is configured to measure the water characteristics attributable to water following through the storm water management infrastructure; and a control unit that controls an amount of said disinfection chemical added to said water flowing through said storm water management infrastructure based on said water characteristics. For at least these reasons Applicant respectfully requests that the rejection under 35 USC 103 that is based on the O'Leary and Koubek references be withdrawn.

**Conclusion**

For at least the reasons stated herein, Applicant respectfully submits that the claims are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

Respectfully submitted,

  
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| Customer Number<br><b>36067</b> | <i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 14, 2006 to 571-273-8300 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</i> |                       |
|                                 | Signature<br><br>Name: Joseph J. Mayo   | Date: August 14, 2006 |